

dispose of real or personal estate shall be given to any one or more trustees, executors or other fiduciary officers, such power, whether discretionary or otherwise, shall be construed to be appurtenant to the fiduciary office and shall pass to and be exercisable by any surviving trustees, executor or other fiduciary, or by any successor in the office however appointed, unless an intention to the contrary is expressly declared in such will, deed or other instrument.

Co-executors are in law one individual person; the acts of one relative to administration are acts of all and possession of one is possession of all. Powers and duties of executors which remain unexecuted and unfulfilled pass to surviving executor. Rights of a surviving executor against executor of his co-executor. *Crothers v. Crothers*, 121 Md. 118.

See notes to sec. 11.

This section is a duplicate of art. 16, sec. 267.

An. Code, sec. 297. 1904, sec. 293. 1888, sec. 288. 1828, ch. 174, sec. 1.

306. In all cases where two or more trustees have been or shall be appointed by last will to execute any trust, with power on the death of one or more of such trustees to the survivor or survivors, to execute such trust, or to sell or dispose of, and convey any lands, hereditaments or other property, or any estate or interest therein devised to them jointly, if any one or more of such trustees shall in writing, signed by him or them, and attested by a witness, relinquish or disclaim such trust, or refuse to act as a trustee under such will, and deliver such writing to the register of wills having charge of such will for record, the right of such trustee or trustees so relinquishing, disclaiming or refusing to act shall thereupon cease and be determined.

See notes to sec. 307.

See art. 16, sec. 267.

An. Code, sec. 298. 1904, sec. 294. 1888, sec. 289. 1828, ch. 174, sec. 1.

307. The remaining trustee or trustees appointed by said will, who shall assent to act, shall be as fully capable and entitled to execute the trusts under such will, and to make all deeds and do all necessary acts for that purpose, as if the trustees so relinquishing, disclaiming or refusing to act had died, and the trustee or trustees so assenting to act had survived him or them.

This and the preceding section applied. *Druid Park Heights Co. v. Oettinger*, 53 Md. 61.

See notes to sec. 300.

An. Code, sec. 299. 1904, sec. 295. 1888, sec. 290. 1828, ch. 174, sec. 1.

308. No such relinquishment, disclaimer or refusal to act by any trustee shall be construed to release or impair his right or claim to any devise, legacy or bequest derived or bequeathed to him by such will for his own use, unless such devise, legacy or bequest shall be expressly declared in the will to be as a compensation for his services as trustee.

An. Code, sec. 300. 1904, sec. 296. 1898, ch. 499, sec. 290A. 1900, ch. 74.

309. Whenever a sale of real or leasehold estate is made under the authority of the orphans' court, or under power contained in a will, and